

3:22-mj-00192

UNITED STATES OF AMERICA)) AFFIDAVIT OF GRAHAM BOGUMILL
DISTRICT OF OREGON)

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Graham Bogumill, being first duly sworn, do hereby depose and say:

Introduction and Agent Background

1. I am currently a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned to the Portland I Field Office. I have been a Special Agent since October of 2019. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, as well as a graduate of the Special Agent Basic Training Program at the ATF National Academy in Glynco, Georgia. As a Special Agent with ATF, my duties and responsibilities have included conducting criminal investigations for possible violations of federal controlled substance and firearms laws.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Richard James Hilts Jr. The arrest warrant is requested for false material statements in connection with the acquisition of a firearm in violation of 18 U.S.C. § 922(a)(6).

Applicable Laws

3. 18 U.S.C. § 922(a)(6), states that it shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer or licensed collector, knowingly to make any false, fictitious, oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer.

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Statement of Probable Cause**I. Background Information on Straw Purchasing****A. Federal Firearms Licensees**

8. Based on my training and experience, I know that a Federal Firearms Licensee (“FFL”) is a business licensed under Chapter 44 of Title 18, United States Code, to engage in the business of dealing in firearms. Only FFLs are authorized by federal law to engage in the business of dealing in firearms. When a purchaser buys a firearm from an FFL, that buyer must fill out an ATF Firearms Transaction Record (ATF Form 4473), which asks for and requires the buyer’s true name, current residential address, and other identifying information. The information on the ATF Form 4473 makes it possible to trace a firearm back to its retail purchaser. FFLs are required by Chapter 44 of Title 18, United States Code, to maintain these forms in their records. In addition, ATF Form 4473 asks the purchaser: “Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” The ATF Form 4473 also requires the FFL to certify that “it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the purchaser listed on the form.” It is illegal for the FFL or an employee to sell a firearm to an individual where the FFL or an employee believes or has reason to believe that the individual filling out the ATF Form 4473 is not the actual purchaser of the firearm but is instead purchasing the firearm on behalf of another person. Such a purchase is commonly known as a “straw purchase.”

9. FFLs are required by law to record the acquisition and disposition of every firearm supplied to the FFL in an acquisition and disposition (“A&D”) record and to maintain

the A&D record at their licensed business premises. Specifically, for each firearm that is taken into inventory, the FFL is required to record the make, model, and serial number of the firearm, the date of acquisition, the name and address (or federal firearms license number) of the person from whom the firearm is acquired, the date on which the firearm was disposed of, and the name and address (or federal firearms license number or Form 4473 transaction number) of the person to whom the firearm is transferred.

10. ATF has a program to “trace” firearms recovered in crimes through the ATF National Tracing Center. This process entails tracing the firearm recovered in a crime back to the original purchaser via firearms manufacturer, wholesaler, and retailer records via the firearms serial number. If the serial number of the firearm is obliterated, ATF cannot trace the firearm.

11. The National Integrated Ballistic Information Network (NIBIN) provides Federal, State and local law enforcement with automated ballistics imaging that assists investigators by using a digital image of a casing to link violent firearm crimes. Based upon my training, experience and conversations with Firearms Examiners or other experienced investigators, I know that a “NIBIN Lead” is a high probability (presumptive) match between two or more pieces of ballistic evidence (fired cartridge casings) based on correlation review of high-definition digital images in the NIBIN database. The digital images capture the unique microscopic tool marks (firing pin impression, breechface marks, and ejector marks) on fired cartridge cases. A NIBIN Lead indicating that two or more cartridge cases may have been fired by the same firearm is identified by either a trained NIBIN Technician or a Firearms Examiner. Upon initial identification of a NIBIN Lead, another trained NIBIN Technician or Firearms Examiner must peer review the digital images before the NIBIN Lead may be disseminated to the requesting law enforcement agencies for investigative purposes.

B. Straw Purchasers and Firearms Trafficking

12. Firearms traffickers, people who desire firearms but are prohibited from possessing them, and those in general who do not want their name associated with the purchase of a firearm from an FFL, often employ “straw purchasers” to buy firearms from FFLs, and they almost exclusively make such purchases in cash to further conceal the true buyer and source of funds. These straw purchasers are commonly paid to falsely claim on the ATF Form 4473 that they are buying the firearm(s) for themselves, when in fact they are purchasing the firearm(s) on behalf of another.

13. Based on my training and experience, I know that there are other indicators of firearms trafficking and/or straw purchasing. These include a short “time-to-crime” which means the length of time from when a firearm was purchased to when it was recovered in a crime by law enforcement. A time-to-crime of less than one year can be an indicator of firearms trafficking or straw purchasing. Cash purchases of multiple firearms, utilizing many different FFLs to purchase multiple firearms in a short period of time, and multiple purchases of the same types of firearms can also be indicators of firearms trafficking and/or straw purchasing.

14. I know that in the State of Oregon it is unlawful, with limited exceptions such as a transfer to a family member, to transfer a firearm to another person without conducting a background check through an FFL. Based on my training and experience, I know that individuals who are involved in the trafficking of firearms and/or straw purchasing schemes will often ignore private party background check laws such as the one that exists in the State of Oregon.

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II. HILTS JR. Firearm Purchase History and Recoveries

A. Summary

15. Investigators learned from reviewing Form 4473's and other records that HILTS JR. purchased 44 firearms from August 29, 2019, to March 19, 2022, from 11 different FFLs. Through tracing and NIBIN leads, 18, or 40 percent, of those firearms were recovered by law enforcement involved in various criminal offenses in Oregon, Washington, and California. According to the NIBIN Enforcement Support System (NESS), which is able to link fired cartridge casings to the firearm used to fire the recovered cartridge casings, 6 of these recovered firearms have been linked to 19 separate shooting incidents. Those 19 shooting events include a homicide, 17 attempted homicides, and 1 shots fired incident.

B. Investigation and Recovered Firearms

16. On December 2, 2017, a Glock, model 27, .40 caliber pistol with serial number KMX977 was recovered and traced in relation to Eugene Police Department (EPD) case 17-20264, a homicide case. The trace identified HILTS JR. as the original purchaser. HILTS JR. purchased the firearm on November 18, 2017, from Keith's Sporting Goods located in Gresham, OR. The firearm had a time to crime of 14 days. This firearm was also traced by the IRS on September 24, 2019, the FBI on September 17, 2020, and the Portland Police Bureau (PPB) on October 15, 2020. I am not aware of any other connection between HILTS JR. and this homicide.

17. On January 11, 2020, a Smith & Wesson, model SD9VE, 9mm pistol with serial number FWN9872 was recovered and traced in relation to EPD case 20-00716. The trace identified HILTS JR. as the original purchaser. HILTS JR. purchased the firearm on December 28, 2019, from All That Glitters Jewelry & Loans located in Tigard, OR. The firearm had a time to crime of 14 days.

18. I have reviewed both 4473's associated with the abovementioned firearm purchases. On each form, HILTS JR. marked the box "Yes" when asked if he was the actual transferee/buyer of the firearm.

C. Gresham Police Department Investigation 2018-52379

19. I have reviewed the police report for GPD case 2018-52379. On September 14, 2018, a shooting occurred in which over 20 shots were fired in the area of 188th Ave and NE Glisan St. in Gresham, OR. Law enforcement engaged in the pursuit of the suspect vehicle, and eventually arrested the two suspects, Ny'Shaun Edwards (DOB: XX/XX/2000) and Nico Thomas (DOB: XX/XX/2000). During the pursuit, a Smith and Wesson, model SD9VE, 9mm pistol with serial number FYK0637 was thrown from the suspect vehicle. This firearm was traced, and the trace found the firearm had originally been purchased by HILTS JR. on December 22, 2017, from Money Market in Portland, OR. The firearm had a time to crime of 266 days. During the search of the vehicle, a Glock gun case for a Glock, model 30, .45 caliber pistol with serial number VWV455 was found in the vehicle, but the firearm was not. This firearm was purchased by HILTS JR. on May 17, 2018.

20. The cell phone of Edwards was seized, and Multnomah County Sheriff's Office Detective Chris Stephens obtained a signed search warrant for this phone. I have reviewed information gathered from this phone.

21. Analysis of the phone revealed photos stored on the device. In one of the images, two (2) Glock handguns can be seen resting on an occupied driver's seat of a vehicle. The view of the picture is consistent with the driver taking a picture of the firearms. One of the handguns has the serial number visible and reads "VWV455." This is the same serial number of the Glock gun case found in the van Edwards was driving at the time of his arrest. The gun case contained

an extended 24 round capacity .45 caliber magazine with two (2) live rounds inside. The photo is shown below.





22. Further analysis of the phone revealed text messages between the dates of May 16 and May 17, 2018, between Edwards and "Rich" at 971-361-0402. A search of the phone number in a law enforcement database shows the phone number 971-361-0402 belongs to HILTS JR. This is also the same phone number HILTS JR. provided Keith's Sporting Goods for three separate firearm purchases. The content of the messages pertains to Edwards asking HILTS JR. to "get a joint out the pawn shop" for him at the store on 13th and Powell. Edwards agrees to

pick up HILTS JR. and give him a ride to the pawn shop. On May 17, 2018, at 11:04 am, HILTS JR. sends Edwards a text that reads “He good blwd nd u got a customize Glock 30 nd u had the right amount to.” The entirety of the conversation is as follows:

5/16/2018 2:47:53 PM(UTC-7)Direction:Outgoing, +15038902082

Aye bro can you get a joint out the pawn shop for me?

Status: Sent

Delivered: 5/16/2018 2:47:57 PM(UTC-7)

Read: 5/16/2018 3:14:01 PM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1B7A3C (Table: message, chat, Size: 4759552 bytes)

5/16/2018 2:51:15 PM(UTC-7)Direction:Outgoing, +15038902082

-noise

Status: Sent

Delivered: 5/16/2018 2:51:17 PM(UTC-7)

Read: 5/16/2018 3:14:01 PM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1B7825 (Table: message, chat, Size: 4759552 bytes)

5/16/2018 3:14:20 PM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yep blwd Tap in Tomorrow I'm off

Status: Read

Read: 5/16/2018 3:15:00 PM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1B7678 (Table: message, handle, chat, Size: 4759552 bytes)

5/16/2018 3:15:10 PM(UTC-7)Direction:Outgoing, +15038902082

Yupp bro good look

Status: Sent

Delivered: 5/16/2018 3:15:09 PM(UTC-7)

Read: 5/16/2018 3:15:47 PM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1B8FDC (Table: message, chat, Size: 4759552 bytes)

5/16/2018 3:16:02 PM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yep hit me n the mornin Ima b up blwd

Status: Read

Read: 5/16/2018 3:16:39 PM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1B8E17 (Table: message, handle, chat, Size: 4759552 bytes)

5/16/2018 3:16:41 PM(UTC-7)Direction:Outgoing, +15038902082

Yupp

Status: Sent

Delivered: 5/16/2018 3:16:41 PM(UTC-7)

Read: 5/16/2018 3:17:54 PM(UTC-7)

Source **file:**
25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1B8C1E (Table: message, chat, Size: 4759552 bytes)

5/16/2018 3:18:09 PM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yep

Status: Read

Read: 5/16/2018 3:18:31 PM(UTC-7)

Source **file:**
25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1B8A75 (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:19:58 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

U ready blwd

Status: Read

Read: 5/17/2018 10:20:17 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BA65A (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:20:20 AM(UTC-7)Direction:Outgoing, +15038902082

Yeah

Status: Sent

Delivered: 5/17/2018 10:20:21 AM(UTC-7)

Read: 5/17/2018 10:20:23 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BA495 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:20:55 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

I'm wit my son tho but I'm on 162nd glisan way store u tryna go to?

Status: Read

Read: 5/17/2018 10:22:53 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BA2EA (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:23:19 AM(UTC-7)Direction:Outgoing, +15038902082

Da one on 136th n Powell. You need me ta come grab you ?

Status: Sent

Delivered: 5/17/2018 10:23:22 AM(UTC-7)

Read: 5/17/2018 10:23:39 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BBFDC (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:23:53 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yeah I'm not mobile until tomorrow

Status: Read

Read: 5/17/2018 10:24:11 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BBDCB (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:24:29 AM(UTC-7)Direction:Outgoing, +15038902082

Send me location I'll be omw

Status: Sent

Delivered: 5/17/2018 10:24:29 AM(UTC-7)

Read: 5/17/2018 10:24:41 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BB805 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:25:19 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

601 ne 162nd Ave Apt 18 97230 Portland Oregon

Status: Read

Read: 5/17/2018 10:25:31 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BCFE8 (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:25:38 AM(UTC-7)Direction:Outgoing, +15038902082

Yupp omw

Status: Sent

Delivered: 5/17/2018 10:25:39 AM(UTC-7)

Read: 5/17/2018 10:25:39 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BC8F4 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:39:11 AM(UTC-7)Direction:Outgoing, +15038902082

I'm outside bro

Status: Sent

Delivered: 5/17/2018 10:39:13 AM(UTC-7)

Read: 5/17/2018 10:39:24 AM(UTC-7)

Source **file:**
25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BC735 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:39:30 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Blue Honda

Status: Read

Read: 5/17/2018 10:39:35 AM(UTC-7)

Source **file:**
25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BC572 (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:39:55 AM(UTC-7)Direction:Outgoing, +15038902082

Silver

Status: Sent

Delivered: 5/17/2018 10:39:55 AM(UTC-7)

Read: 5/17/2018 10:39:55 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BC3B1 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 10:40:10 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yep I see u

Status: Read

Read: 5/17/2018 10:40:11 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BC204 (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:40:17 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Here I come

Status: Read

Read: 5/17/2018 10:40:17 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BDFE8 (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 10:40:24 AM(UTC-7)Direction:Outgoing, +15038902082

Yupp

Status: Sent

Delivered: 5/17/2018 10:40:24 AM(UTC-7)

Read: 5/17/2018 10:40:24 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BDE25 (Table: message, chat, Size: 4759552 bytes)

5/17/2018 11:04:20 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

He good blwd nd u got a customize Glock 30 nd u had the right amount to

Status: Read

Read: 5/17/2018 11:04:32 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BDC7A (Table: message, handle, chat, Size: 4759552 bytes)

5/17/2018 11:04:55 AM(UTC-7)Direction:Outgoing, +15038902082

Yupp bro good look

Status: Sent

Delivered: 5/17/2018 11:04:58 AM(UTC-7)

Read: 5/17/2018 11:05:08 AM(UTC-7)

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/
SMS/sms.db : 0x1BDA3E (Table: message, chat, Size: 4759552 bytes)

5/17/2018 11:05:14 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Ok yep almost out

Status: Read

Read: 5/17/2018 11:05:15 AM(UTC-7)

Source

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BD879 (Table: message, handle, chat, Size: 4759552 bytes)

file:

5/17/2018 11:05:20 AM(UTC-7)Direction:Outgoing, +15038902082

Yupp

Status: Sent

Delivered: 5/17/2018 11:05:22 AM(UTC-7)

Read: 5/17/2018 11:05:22 AM(UTC-7)

Source

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BD6AA (Table: message, chat, Size: 4759552 bytes)

file:

5/17/2018 11:10:07 AM(UTC-7)Direction:Incoming, +19713610402 (Rich)

Yep

Status: Unread

Source

file:

25107c907e9c0ad5e03aaabeeac524a6d77c0400_files.zip/private/var/mobile/Library/SMS/sms.db : 0x1BD505 (Table: message, handle, chat, Size: 4759552 bytes)

23. On October 25, 2018, Detective Stephens traveled to Money Market pawn located at 13607 SE Powell Blvd in Portland and spoke with the manager. The manager informed Detective Stephens only one Glock, model 30 was sold on May 17, 2018. The information regarding the transaction is as follows:

Purchaser: Richard James HILTS JR., DOB: 03/24/1995

Purchased: (1) Glock model 30, .45 caliber, serial number VWV455

Date: 05/17/2018, 11:03 am.

24. I have reviewed a copy of the 4473 for this purchase. On the form, HILTS JR. marked the box "Yes" when asked if he was the actual transferee/buyer of the firearm.

Conclusion

25. Based on the foregoing, I have probable cause to believe, and I do believe, Richard James Hilts Jr. provided false material statements in connection with the acquisition of a firearm in violation of 18 U.S.C. § 922(a)(6).

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26. Prior to being submitted to the Court, this affidavit and accompanying criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Greg Nyhus. AUSA Nyhus advised me that in his opinion, the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

By phone

GRAHAM BOGUMILL
Special Agent
Bureau of Alcohol, Tobacco
Firearms and Explosives

Subscribed and sworn to by telephone or other reliable means at 5:30 a.m./p.m. in accordance with Fed. R. Crim. P.4.1 this 20th day of September 2021.


HONORABLE STACIE F. BECKERMAN
UNITED STATES MAGISTRATE JUDGE